

10/526663

PATENT

Docket No. 416272004600

B97-084-6

DT01 Rec'd PCT/PTC 02 MAR 2005

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 470 626 954 US, in an envelope addressed to: MS PCT, ATTN: DO/EO/US, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: March 2, 2005

Signature: \_\_\_\_\_

(Lilia Olsen)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Shibo ZHANG et al.

Serial No.: Not Yet Assigned

Filing Date: Concurrently Herewith

For: METHODS AND COMPOSITIONS FOR  
TRANSFORMATION AND  
REGENERATION OF MAIZE

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

**MS PCT, ATTN: DO/EO/US**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. The documents listed on the attached Form PTO/SB/08a/b were cited in the International Search Report mailed on May 27, 2004, (copy attached) directed to the related PCT application no. PCT/US03/27565 filed September 3, 2003. Since the US was the searching authority for the International Search Report, the ISA/US should supply copies of the cited references. If, however, the PCT/DO/EO/903 form does not indicate receipt of such copies, the applicant will provide copies

for consideration at a later time. The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- ☒ **With the application; accordingly, no fee or separate requirements are required.**
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \_\_\_ is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_\_ is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

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The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 416272004600. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March 2, 2005

Respectfully submitted,

By Michael R. Ward  
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ALTERNATIVE TO PTO/SB/08a/b (06-03)

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	Not Yet Assigned <b>10/526663</b>
				Filing Date	Concurrently Herewith
				First Named Inventor	Shibo ZHANG
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	416272004600

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	1.	US-4,003,156	01-18-1977	Sibi et al.	
	2.	US-6,162,900	12-19-2000	Guerinot et al.	
	3.	US-6,235,529-B1	05-22-2001	Lemaux et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>	
	4.	ABBAS, M. A. et al. (1993) "Growth and Some Metabolic Activities of Maize Plants in Response to Copper Pollution," <i>Journal of Environmental Sciences</i> 6:145-158		
	5.	DONCHEVA, S. et al. (1996) "Effect of Copper Excess on the Morphology of the Nucleus in Maize Root Meristem Cells," <i>Physiologia Plantarum</i> 96:118-122		
	6.	DONCHEVA, Snejana (1997) "Ultrastructural Localization of Ag-NOR Proteins in Root Meristem Cells After Copper Treatment," <i>J. Plant Physiol.</i> 151:242-245		
	7.	ZHANG, S. et al. (1999) "Genetic Transformation of Commercial Cultivars of Oat ( <i>Avena sativa</i> L.) and Barley ( <i>Hordeum vulgare</i> L.) Using in Vitro Shoot Meristematic Cultures Derived from Germinated Seedlings," <i>Plant Cell Reports</i> 18:959-966		
	8.	ZHANG, S. et al. (2002) "Transformation of Recalcitrant Maize Elite Inbreds Using in Vitro Shoot Meristematic Cultures Induced from Germinated Seedlings," <i>Plant. Cell Rep.</i> 21:263-270		
	9.	Int'l Search report, dated May 17, 2004, Int'l Appln. No. PCT/US2003/027565		

\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Examiner Signature		Date Considered	
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